

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MATT STRONG,

Plaintiff,

vs.

WALGREEN CO. doing business as
Walgreens; RUDOLPH BRAGG, Trustee
of the Bragg Family Trust Dated April 22,
1982,

Defendants.

CASE NO. 09cv611 WQH (WVG)
ORDER

HAYES, Judge:

On January 15, 2010, Defendants filed a Motion for Summary Judgment. (Doc. # 29). The motion was set for oral argument on March 16, 2010. *Id.* On January 26, 2010, Plaintiff filed an Ex Parte Motion to Continue the hearing because the Ninth Circuit granted a petition for rehearing *en banc* in *Chapman v. Pier 1 Imports*, 571 F.3d 853 (9th Cir. 2009), which Defendants relied on in their Motion for Summary Judgment. (Doc. # 29). On January 27, 2010, the Court ordered Defendants to respond to Plaintiff's Ex Parte Motion to Continue. (Doc. # 31). On February 8, 2010, Defendants filed a non-opposition to Plaintiff's motion. (Doc. # 35). On February 9, 2010, the Court issued an order vacating the hearing date. (Doc. # 36).

On May 10, 2010, the Court issued an Order to Show Cause which stated in part:
The parties are hereby ORDERED TO SHOW CAUSE why this case should

1 not be stayed pending the resolution of *Chapman v. Pier 1 Imports*. Any party
 2 may file a response on or before June 1, 2010. In the event that no response is
 2 filed, the Court will stay the case and vacate all pending pretrial dates.

3 (Doc. # 40 at 1).

4 On May 12, 2010, Plaintiff filed a response to the Order to Show Cause which states
 5 he has “no objections to the instant matter being stayed pending the resolution of *Chapman*
 6 *v. Pier 1 Imports*.” (Doc. # 41 at 1). On May 14, 2010, Defendants filed a response to the
 7 Order to Show Cause stating they do not object to a stay. (Doc. # 42).

8 “The power to stay proceedings is incidental to the power inherent in every court to
 9 control the disposition of the causes on its docket with the economy of time and effort for
 10 itself, for counsel, and for litigants.” *Landis v. North American Co.*, 299 U.S. 248, 254
 11 (1936). In light of the potential impact of the *en banc* decision in *Chapman v. Pier 1 Imports* on
 12 this case, the Court concludes that a stay is appropriate pending the resolution of that case.

13 IT IS HEREBY ORDERED that this action is **STAYED** pending the resolution of
 14 *Chapman v. Pier 1 Imports*, 571 F.3d 853 (9th Cir. 2009), *rehearing en banc granted by*
 15 593 F.3d 974 (9th Cir. 2010). In light of the stay, all pending motions are hereby **DENIED**
 16 **WITHOUT PREJUDICE** and all dates are **VACATED**. The parties shall notify the
 17 Court within ten days of any decision in *Chapman*.

18 DATED: May 25, 2010

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 20 **WILLIAM Q. HAYES**
 20 United States District Judge

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